

AMENDED IN ASSEMBLY APRIL 21, 1998

AMENDED IN ASSEMBLY APRIL 1, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2198**

---

---

**Introduced by Assembly Member Washington**

February 19, 1998

---

---

An act to amend Sections 16525.2, 16525.5, 16525.11, 16525.13, 16525.15, 16525.17, 16525.20, 16525.25, 16525.27, and 16525.30 of the Welfare and Institutions Code, relating to human services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2198, as amended, Washington. Children's services: alcohol- or drug-exposed and HIV positive children: placement.

Existing law provides for a demonstration project for the provision of placement services for children who are exposed to alcohol or drugs or who are HIV positive. Existing law defines "eligible child" for purposes of these provisions, requires a participating county to recruit and train foster families for purposes of providing care to eligible children, and sets forth various requirements of a participating county with regard to the selection of foster homes, preparation of case plans, and submission of progress reports.

This bill would change the definition of "eligible child." The bill would generally extend participation in the project to counties that serve families that participate in an adoption

program, would authorize training of preadoptive families, and would require a county to meet certain requirements with regard to preadoptive homes and preadoptive parents participating in the project. The bill would require the State Department of Health Services to develop necessary procedures and standardized programs for specialized preadoptive parent training programs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) The Governor has implemented an adoption  
4 initiative that is aimed at increasing the number of  
5 adoptions of children who would otherwise remain in  
6 long-term foster care.

7 (b) Public Law 105-89, the Adoption and Safe Families  
8 Act of 1997, was signed into law in 1997 and includes  
9 provisions for implementing President Clinton's  
10 December 14, 1996, Executive Memorandum on  
11 Adoption that articulated the goal of doubling by the year  
12 2002 the number of children adopted or placed in other  
13 permanent homes each year.

14 (c) Children with prenatal drug exposure are  
15 disproportionately represented in the foster care system  
16 and may be considered hard-to-place for purposes of  
17 adoption. Many of these children are born prematurely,  
18 remaining in hospitals almost five times as long as normal  
19 newborns. Many suffer long-term effects of drug  
20 exposure, requiring special education. Many may have  
21 developmental and behavioral problems and learning  
22 disabilities for which appropriate interventions must be  
23 provided.

24 (d) From 1995 to 1997, the United States Department  
25 of Health and Human Services' Administration on  
26 Children, Youth and Families funded a demonstration  
27 project awarded jointly to the Los Angeles County  
28 Department of Children and Family Services, Adoptions

1 Division, and the UCLA Center for Healthier Children,  
2 Families and Communities. The goal of this program,  
3 known as TIES for Adoption, was to promote the  
4 successful adoption and healthy growth and  
5 development of infants and children who were prenatally  
6 exposed to alcohol or other drugs. The program's final  
7 evaluation substantiated its success in achieving this goal.

8 (e) The TIES for Adoption program has been proven  
9 to help the effort to ensure successful adoptions of drug-  
10 and alcohol-exposed children who would otherwise  
11 remain in foster care or experience disruptions of their  
12 adoptive placements.

13 SEC. 2. Section 16525.2 of the Welfare and Institutions  
14 Code is amended to read:

15 16525.2. (a) "Eligible child" means any child who is  
16 a dependent child of the court and meets at least one of  
17 the following requirements:

18 (1) Any child who has a medically diagnosed condition  
19 or symptoms resulting from, or suspected as resulting  
20 from, substance abuse by the mother.

21 (2) Any child who is HIV positive.

22 (b) *For purposes of participation in the foster care*  
23 *component of the program, a child shall be 36 months of*  
24 *age or younger.*

25 (c) For purposes of participation in the adoption  
26 program, no child shall be precluded from eligibility on  
27 the basis of age.

28 SEC. 3. Section 16525.5 of the Welfare and Institutions  
29 Code is amended to read:

30 16525.5. "Specialized in-home health care" means,  
31 but is not limited to, those services identified by the  
32 child's primary physician as appropriately administered  
33 by a foster parent or preadoptive parent, trained by  
34 health or mental health care professionals.

35 SEC. 4. Section 16525.11 of the Welfare and  
36 Institutions Code is amended to read:

37 16525.11. (a) Each participating county shall recruit  
38 foster families that shall be licensed as foster family homes  
39 and trained to care for children who are alcohol- or  
40 drug-exposed or who test HIV positive.

(b) (1) As an alternative, or in addition, to meeting the requirements of subdivision (a), a participating county may serve families that participate in the preadoptive and adoption program.

(2) A participating county that serves families that participate in an adoption program may, but is not required to, also participate in the Options for Recovery component serving foster parents.

SEC. 5. Section 16525.13 of the Welfare and Institutions Code is amended to read:

16525.13. (a) (1) A participating county that recruits foster families pursuant to this chapter shall provide special training to recruited foster parents to care for eligible children and shall certify that the training has been provided.

(2) Participating counties may provide the same special training described in paragraph (1) to relative caretakers of project-eligible children, if classroom space permits and the cost of providing the training does not exceed the county's allocation for project training.

(b) (1) A participating county that serves families that participate in an adoption program ~~may~~ *shall* provide adoption specific training to preadoptive parents to care for eligible children and, if the training is provided, the county shall certify that the training has been provided. The training curriculum may include, but is not limited to, issues in parenting and providing lifelong permanency and substance abuse prevention to children with prenatal alcohol and other drug exposure *as well as issues specific to caring for a child who tests HIV positive*.

(2) A participating county that provides adoption specific training to preadoptive parents is not required to participate in the Options for Recovery component serving foster parents.

SEC. 6. Section 16525.15 of the Welfare and Institutions Code is amended to read:

16525.15. (a) A participating county shall select a specialized foster family home or preadoptive home for the child within the county in which the child's eligibility is established.

1 (b) If an eligible child's out-of-home placement  
2 changes from one participating county to another  
3 participating county, the child shall remain eligible for  
4 services.

5 SEC. 7. Section 16525.17 of the Welfare and  
6 Institutions Code is amended to read:

7 16525.17. (a) (1) Participating counties that recruit  
8 foster families shall prepare a child welfare services case  
9 plan for recruited foster families pursuant to regulations  
10 adopted by the department and arrange nonmedical  
11 support services, including respite care for specially  
12 trained foster parents and relative caretakers.

13 (2) Each participating county shall monitor the foster  
14 home in accordance with applicable regulations  
15 governing the foster care and child welfare services  
16 programs authorized by Article 5 (commencing with  
17 Section 11400) of Part 3 and Chapter 5 (commencing  
18 with Section 16500).

19 (b) Participating counties that serve families that  
20 participate in an adoption program shall prepare a child  
21 welfare services case plan for preadoptive parents  
22 pursuant to regulations adopted by the department and  
23 arrange nonmedical support services. Nonmedical  
24 support services may include, but are not limited to,  
25 preadoptive assessment, temperament and behavioral  
26 management training, medical and psychological  
27 consultation services, and educational advocacy.  
28 However, specially trained preadoptive and adoptive  
29 parents need not be required to receive respite services  
30 to participate in the Options for Recovery program.

31 SEC. 8. Section 16525.20 of the Welfare and  
32 Institutions Code is amended to read:

33 16525.20. (a) The Legislature encourages  
34 participating counties to design and implement a range  
35 of respite options for specially trained foster parents and  
36 relative caretakers, from foster parent to foster parent  
37 cooperatives to more formal arrangements for services  
38 from subcontractors.

39 (b) No one who resides in the home with the eligible  
40 child shall receive payment for providing respite services

1 for the eligible child or for any other child living in the  
2 home.

3 (c) Participating counties shall not be required to  
4 provide respite services for preadoptive and adoptive  
5 families.

6 SEC. 9. Section 16525.25 of the Welfare and  
7 Institutions Code is amended to read:

8 16525.25. The department shall do both of the  
9 following:

10 (a) Develop necessary procedures and standardized  
11 programs for a specialized foster home recruitment and  
12 training project that will establish foster care placements  
13 to care for eligible children and a specialized preadoptive  
14 parent training program.

15 (b) Coordinate sources of funding and services  
16 available to eligible children in order to maximize the  
17 social services provided to these children and avoid  
18 duplication of programs and funding.

19 SEC. 10. Section 16525.27 of the Welfare and  
20 Institutions Code is amended to read:

21 16525.27. (a) Each participating county shall submit  
22 written progress reports as required by the department.

23 (b) The progress report required by subdivision (a)  
24 shall include, but need not be limited to, all of the  
25 following data:

26 (1) An estimate of the number of children adjudicated  
27 dependents of the juvenile court under Article 6  
28 (commencing with Section 300) of Chapter 2 of Part 1 of  
29 Division 2 who are eligible children.

30 (2) The number of eligible children who are in all of  
31 the following:

32 (A) Foster family homes.

33 (B) Group homes.

34 (C) Homes of relative caretakers.

35 (D) Certified foster family homes.

36 (E) Preadoptive homes.

37 (3) The number of eligible children who are in  
38 specialized foster care placements.

39 (4) The cost of providing training to foster parents in  
40 the care of eligible children.

1 (5) The cost of providing specialized care for eligible  
2 children.

3 (6) The cost of providing respite care services and the  
4 number of respite care hours each family received.

5 SEC. 11. Section 16525.30 of the Welfare and  
6 Institutions Code is amended to read:

7 16525.30. (a) Notwithstanding any other provision of  
8 law, including, but not limited to, Sections 1250, 1251,  
9 1254, 1270, 1501, 1502, 1505, 1507, 1521, 1530.6, and 11002,  
10 subdivision (c) of Section 1550, and subdivision (a) of  
11 Section 11154 of the Health and Safety Code, and Sections  
12 2052, 2725, 2732, and 2795 of the Business and Professions  
13 Code, subdivisions (b) and (c) shall control the  
14 placement of a child pursuant to this chapter.

15 (b) A county may place children who are alcohol- or  
16 drug-exposed or HIV positive in foster family homes  
17 pursuant to Chapter 3 (commencing with Section 1500)  
18 of Division 2 of the Health and Safety Code.

19 (c) If a county makes a placement pursuant to  
20 subdivision (b) or an adoption program, a foster parent  
21 or preadoptive parent trained by health or mental health  
22 care professionals may provide specialized in-home  
23 health care to that child.

